

any



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,400	03/29/2001	Jay H. Connelly	42390P10860	8766

8791 7590 01/09/2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,400

Applicant(s)

CONNELLY, JAY H.

Examiner

Christopher M. Lambrecht

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14 and 16-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/30/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-12, 14, and 15-24 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's failure to adequately traverse facts Officially noticed in the previous Office action is treated as an admission of the facts noticed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 12, 14, and 20-24 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,594,682 to Peterson et al. (hereinafter "Peterson"; supplied by Applicant in the IDS filed 30 September 2005).

Regarding claims 1 and 20, Peterson discloses a computing device [client 24, figs. 1 & 2] comprising a machine-readable medium [system memory 34, fig. 2] and a processor [processing unit 32, fig. 2], the machine-readable medium including instructions (see "program modules" [col. 7, ll. 58-64]) which when executed by the processor cause the processor to perform operations [a method] comprising:

Art Unit: 2611

- receiving [210, fig. 7] a plurality of streaming content description data [index 30, fig. 3; col. 6, ll. 16-26] about a plurality of streaming content (see “video or audio played at the server” [col. 5, ll. 61-63]);
- receiving [210, fig. 7] a plurality of stored content descriptions data [index 30, fig. 3; col. 6, ll. 16-26] about a plurality of stored content (see “page stored at a web site” [col. 5, ll. 54-57]);
- providing [200, fig. 7] a program guide including at least some of the streaming content description data and at least some of the stored content description data [col. 6, ll. 58-67 & col. 11, ll. 8-12];
- invoking [208, fig. 7] a first content manager (see “delivery module” [112 or 114, fig. 3; col. 9, ll. 31-53]) when either a first streamed content is selected or a first stored content is selected [col. 9, ll. 15-31] via the program guide (*i.e.*, responsive to the content schedule [col. 11, ll. 8-18]), wherein the first streamed content and the first stored content are a first digital data type (*i.e.*, “broadcast” or “multicast” protocol [col. 9, ll. 42-49]);
- invoking [208, fig. 7] a second content manager [110, fig. 3; col. 9, ll. 31-53] when a user selects [col. 6, ll. 42-47] either a second streamed content or a second stored content via the program guide, wherein the second streamed content and the second stored content are a second digital data type (*i.e.*, “point-to-point” protocol [col. 5, l. 67 - col. 6, l. 2]) and wherein the first digital data type and the second digital data type are different [col. 6, ll. 38-58].

As to claims 2 and 21, Peterson discloses the system and corresponding method of claims 1 and 20, further comprising:

- receiving a request to present the selected stored content [220, fig. 7]; and

Art Unit: 2611

- presenting the selected stored content [222, fig. 7].

As to claims 3 and 22, Peterson discloses the system and corresponding method of claims 1 and 20 further comprising:

- receiving a request to provide a plurality of details about a selected stored content [218, fig. 7];
- presenting the details about the selected stored content [218, fig. 7].

As to claims 4 and 23, Peterson discloses the system and corresponding method of claims 1 and 20 further comprising:

- receiving a request to present a selected streaming content [220, fig. 7];
- presenting the selected streaming content [222, fig. 7].

As to claims 5 and 24, Peterson discloses the system and corresponding method of claims 1 and 20 further comprising:

- receiving a request to provide a plurality of details about a selected streaming content [218, fig. 7];
- presenting the details about the selected stored content [218, fig. 7].

Regarding claim 12, see Peterson as applied to claims 1 and 20, above. In addition, Peterson discloses a system comprising the claimed coordinator [operating system 60, fig. 2; col. 7, l. 62 - col. 8, l. 1].

Art Unit: 2611

As to claim 14, Peterson discloses the system of claim 12, wherein the coordinator invokes a content manager to present a selected content [user interface 140, fig. 3; col. 10, ll. 60-63].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-11 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson.

Regarding claims 7 and 9, Peterson discloses the methods of claims 2 and 4, but fails to explicitly disclose decompressing the stored content and streaming content.

Official notice is taken of the fact that it is well known in the art to store and stream multimedia data in compressed form, and to decompress said data for viewing, for the purpose of minimizing required storage space and transmission bandwidth.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Peterson to include decompressing the stored content and streaming content, for the purpose of minimizing required storage space and transmission bandwidth.

Regarding claims 10, 11, 18, and 19, Peterson discloses the method and computing device of claims 1 and 12, but fails to disclose receiving a content manager update and receiving a new content manager.

Art Unit: 2611

Official notice is taken of the fact that it is well known in the art to replace or update an application program in a computing device for the purpose of upgrading older software to a newer, improved version.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Peterson to include receiving a content manager update and receiving a new content manager, for the purpose of upgrading older software to a newer, improved version.

Regarding claims 6 and 8, Peterson discloses the method and computing device of claims 2 and 4, but fails to disclose decrypting the stored content and decrypting the streaming content.

Official notice is taken of the fact that it is well known in the art to encrypt both streaming and stored media content in order to limit access to said content to authorized viewers, and likewise it is well known in the art for content receivers to include decryption means to decrypt encrypted media content when appropriate, for the purpose of permitting authorized users to enjoy said encrypted content.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Peterson to include decrypting the stored content and decrypting the streaming content, for the purpose of permitting authorized users to enjoy encrypted content in a multimedia distribution system.

Regarding to claims 16 and 17, see the rejection of claims 6-9, above. In addition, Peterson discloses the coordinator and each content manager comprise a presentation component [video adapter 76, fig. 2; col. 8, ll. 14-18].

Art Unit: 2611

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached between 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached at (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M Lambrecht
Examiner
Art Unit 2611

cml


HAITRAN
PRIMARY EXAMINER